

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

In re:

STOUT, WILLIAM
STOUT, LISA

Chapter 13
Case No.: 9:12-bk-01272-JPH

Debtor(s).

**ORDER GRANTING DEBTOR'S
MOTION TO DETERMINE SECURED
STATUS OF SUNCOAST SCHOOLS FCU AND TO
STRIP LIEN EFFECTIVE UPON DISCHARGE OR OTHER
COURT ORDER AS SPECIFIED THEREIN AND GRANTING FEES**

THIS CASE came on for consideration on the Debtor's Motion to Determine Secured Status of **SUNCOAST SCHOOLS FCU** and to Strip Lien Effective upon Discharge or Other Court Order as Specified Therein and Request for Attorney's Fees (the "Motion") (Doc No. 23) after the expiration of the negative notice period pursuant to Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court deems the Motion to be uncontested.

The real property that is the subject of the Motion is located at 1914 NE 20th St, Cape Coral, FL 33909, and more particularly described as follows:

CAPE CORAL UNIT 33 BLK 2194 PB 16 PG 50 LOTS 7 + 8

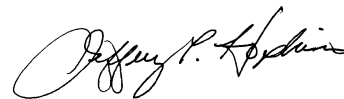
Accordingly, it is hereby **ORDERED**:

1. The Motion is GRANTED.
2. If **SUNCOAST SCHOOLS FCU** timely filed a proof of claim, the claim shall be treated as an unsecured claim in this Chapter 13 case.

3. The mortgage on the real property held by **SUNCOAST SCHOOLS FCU** recorded on November 28, 2006, Instrument No. 2006000443931, 6 PGS of the official records of Lee County, Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon the recordation in the public records of a certified copy of this Order together with (a) a certified copy of the Debtor's Chapter 13 discharge order in this case or (b) such other paper as the Court may specify by separate order. However, the Court reserves jurisdiction to consider, if appropriate, the avoidance of **SUNCOAST SCHOOLS FCU's** mortgage lien prior to the entry of the Debtor's discharge.
4. This order does not prohibit **SUNCOAST SCHOOLS FCU** from asserting, at any time prior to the time when the lien is avoided by this order upon entry of the Debtor's Discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgage, including the right to claim excess proceeds from any foreclosure sale.
5. Attorney's fees are APPROVED in the amount of \$275.00.

July 19, 2012

DONE and **ORDERED** in Chambers at Fort Myers, Florida on _____.



JEFFERY P. HOPKINS
United States Bankruptcy Judge

Copies furnished to:

1. U.S. TRUSTEE, Timberlake Annex, Suite 1200, 501 E. Polk Street, Tampa, FL. 33602
2. **Jon Waage, P.O. Box 25001, Bradenton, FL 34206**
3. The Dellutri Law Group, P.A., 1436 Royal Palm Square Boulevard, Fort Myers, Florida 33919
4. Tom Dorety, President, Suncoast Schools FCU, 6801 E Hillsborough Ave, Tampa, FL 33610
5. Debra Steele, Sr Bankr Manager, Suncoast Schools FCU, Mail Code: COL002, PO Box 11904, Tampa, FL 33680
6. William and Lisa Stout, 1914 NE 20th St, Cape Coral, FL 33909